

	MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES CHILD AND ADULT CARE FOOD PROGRAM CHILD CARE CENTERS POLICY & PROCEDURE MANUAL	ISSUED 3/91	REVISED 6/15	CHAPTER 12	SECTION 12.3
CHAPTER Chapter 12. Complaint and Appeal Procedures		SUBJECT Filing an Appeal Request			

An independent institution or sponsoring organization can appeal any of the actions listed in Section 12.1 by filing a written request for appeal.

Filing the Request

An institution or principal has 15 days by regulation to request an administrative review. The counting of the 15 days allotted for the request begins on the fifth day after the date of mailing of the state agency notice, or on the date of email or fax by the state agency, or on the date the institution receives the notice of findings, whichever is earliest. See the “What To Do If You Decide To Appeal” flier.

The appeal **must** be a written request sent to:

Hearing Officer (address provided with correspondence)	AND	Missouri Department of Health and Senior Services Community Food & Nutrition Assistance P.O. Box 570 Jefferson City, MO 65102
-----------------------------------------------------------	------------	----------------------------------------------------------------------------------------------------------------------------------------

A request for an appeal must be submitted to both parties listed above.

The appeal request must:

- Have the name, phone number, and mailing address of your institution or the person filing the appeal.
- Clearly identify the findings that are being appealed, the basis of the appeal, and the remedy sought.
- Have written information to support the appeal (abbreviated review only).
- Have a copy of the notice from the state agency that gives rise to the review request.
- State whether or not the participant is requesting an in-person oral hearing, or an abbreviated administrative review. A party or entity requesting a review may elect to have an abbreviated administrative review even though entitled to a full hearing.
- Be signed by the authorized representative of the institution and have the name and the title of the person who signed the request, if other than the authorized representative.

Notification and Scheduling

1. You will receive a docketing letter giving the date, time, and location of the administrative hearing by certified mail within 10 calendar days of receipt of the appeal request.
2. Either the Missouri Department of Health and Senior Services (MDHSS) or the party requesting the review may thereafter seek a continuance (rescheduling) of the hearing. Such requests must be in writing and should state the reason for the continuance request. The continuance request must be sent to the Hearing Officer and MDHSS. Note: A request of a continuance by the appealing party may waive the right to decision within 60 days of the state agency notice.

3. The Hearing Officer will notify both parties as to whether or not the continuance is granted or denied. If it is denied, the hearing will be held as originally scheduled. If it is granted, a new hearing date will be sent by the Hearing Officer. It is extremely helpful if a request for a continuance also contains a statement as to what dates for a new hearing are not available to the party requesting the continuance.
4. MDHSS has the right to file an objection to the continuance.
5. The institution can request copies of the information in the Community Food and Nutrition Assistance's files upon which the adverse action was based.
6. Representation by an attorney: Missouri state law prohibits employees of a corporation from acting as an attorney on behalf of the employing corporation. An employee may participate in an administrative review on behalf of a corporation, but participation is limited to testimony about the relevant facts related to the appeal. A non-attorney may **not** file motions, briefs, or make legal arguments or examine witnesses.
7. MDHSS will have legal counsel representation at all in-person oral hearings.
8. If the appellant fails to appear at the scheduled date, time, and place, the Hearing Officer will proceed to render a final determination based on available written information.

ALL SUBMISSIONS OF WRITTEN MATERIAL MUST BE SUBMITTED BY MAIL. REQUESTS FOR CONTINUANCES MAY BE SUBMITTED BY FAX TO THE HEARING OFFICER.

Reference: 7 CFR 226.6(k)